

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JEROME L. GRIMES,

Case No. 6:15-CV-00477-TC

Plaintiff,

FINDINGS AND RECOMMENDATION

v.

MARY WONG AND UMPQUA BANK,

Defendants.

COFFIN, Magistrate Judge:

On March 23, 2015, pro se plaintiff Jerome L. Grimes filed this action against Mary Wong and Umpqua Bank alleging violations of his Fourth Amendment rights, fraud, and defamation. Plaintiff filed an amended complaint on April 24, 2015. On May 1, 2015, the court granted plaintiff's IFP application, but declined to order issuance of process due to certain deficiencies identified in the complaint. The court noted that the incoherent allegations failed to allege any specific relevant conduct on the part of defendants. The court also noted deficiencies in jurisdictional allegations and

permitted 30 days to cure the deficiencies.

Plaintiff filed a second amended complaint on May 4, 2015 that failed to address these deficiencies. The court permitted further opportunity to amend on May 18, 2015.

On May 27, 2015, plaintiff filed a third amended complaint. To the extent plaintiff alleges federal question jurisdiction,¹ plaintiff still fails to assert any conduct on the part of state actors under color of law to support a claim under 42 U.S.C. § 1983. Moreover, plaintiff still fails to allege an adequate basis for diversity jurisdiction.

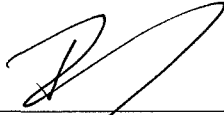
Plaintiff has been advised of the deficiencies regarding the factual basis needed to plead a cause of action twice and has had an opportunity to amend three times. It is clear that any further attempts at amendment would be futile. Accordingly, the complaint should now be dismissed without leave to amend.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation

¹Plaintiff alleges the complaint is "under the jurisdiction of 'U.S.C. 28', 'illegal seizure of personal private property ... in deliberate violation of the 4th Amendment Rights, U.S. Constitution' ..." Third Amended Complaint (#14) at p. 1.

within which to file specific written objections with the court. Thereafter, the parties shall have fourteen (14) days within which to file a response to the objections. Failure to timely file objections to any factual determination of the Magistrate Judge will be considered as a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to this recommendation.

DATED this 12 day of June 2015.



Thomas M. Coffin
United States Magistrate Judge